E UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Duft et al.

Group Art Unit: 1645

Serial No.:

09/445,517

Examiner: Devi, Sarvamangala J N

Filed: December 6, 1999

Title: METHODS FOR TREATING OBESITY

SEP - 7 2004

Box DAC Commissioner for Patents Washington, D.C. 20231

TECH CENTER 1600/2900

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

A Notice of Abandonment was mailed by the Patent Office on January 5, 2003, for the abovecaptioned application. As it is believed that this application stands abandoned due to an error on the part of the Patent Office, Applicants hereby petition for withdrawal of the holding of abandonment.

Alternatively, Applicants petition for revival of this application under 37 C.F.R. §1.137(b), as the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. §1.137(b) was unintentional. As this application was filed after June 8, 1995, it is believed that a terminal disclaimer is not required with this petition.

Although previously filed, for the convenience of the Patent Office Applicants hereby attach another copy the following documents filed on December 5, 2002:

- 1. Transmittal Letter;
- 2. Petition for a Three-Month Extension of Time;
- 3. Fee Transmittal for FY 2003 (PTO/SB/17);
- 4. Response to Office Action; and
- 5. Declaration under 37 C.F.R. § 1.131.

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 21, 2003, with sufficient postage, as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Laura

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Page 2 of 2

Also attached is a copy of the Express Mail receipt indicating that these documents were mailed from the Midway Post Office in San Diego, California, on December 5, 2002. If any further information is desired, please notify Applicants' undersigned representative.

In conclusion, Applicants do not believe that any fee is due with this Petition, as the Notice of Abandonment was received on the basis of a Patent Office error. However, if any fee is required, the Commissioner is authorized to charge Deposit Account No. 50-1273 for the appropriate amount.

Respectfully Submitted on behalf of Duft et al.,

Dated: $\left| -2\right| -03$

Lisa M. Griffith

Reg. No. 41,185

Brobeck, Phleger & Harrison LLP 12390 El Camino Real San Diego, CA 92130-2081

Telephone Number: (858)720-2500 Facsimile Number: (858)720-2555

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Serial No .:

09/445,517

Filed: December 6, 1999

Attorney:

Bradford J. Duft

Express Mail No.: EL675947222US

METHODS FOR TREATING OBESITY

Docket No.:

030639.0044.CPA1

Enclosure(s):

Response to Office Action; Transmittal Letter; Petition for a Three-

Month Extension of Time; Fee Transmittal for FY 2003 (PTO/SB/17); Declaration under 37 C.F.R. § 1.131; and Return

Postcard.



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TED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Duft et al.

Group Art Unit: 1645

Serial No.:

08/870,762

Examiner: Devi, Sarvamangala J N

Filed: June 6, 1997

Title: METHODS FOR TREATING OBESITY

Commissioner for Patents Washington, D.C. 20231 SEP -7 2004

TECH CENTER 1600/2900

Dear Sir:

Enclosed are the following documents:

- 1. Response to Office Action;
- 2. Petition for a Three-Month Extension of Time;
- 3. Fee Transmittal for FY 2003 (PTO/SB/17);
- 4. Declaration under 37 C.F.R. § 1.131;
- 5. Return postcard.

Respectfully Submitted,

Reg. No. 32,219

Brobeck, Phleger & Harrison LLP 12390 El Camino Real San Diego, CA 92130-2081

> CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service, via Express Mail, on the date shown below with sufficient postage as first class mail in an envelope addressed to the United States Patent and Trademark Office, Washington, D. C. 20231.

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| for FY 2003 | | First Named Inventor | | Invent | or NIFT | • | |
| Patent fees are subject to annual revision. | | | | | DEVI SARVAMANGALA IN | | |
| | | Examiner Name | | 11116 | | | |
| Applicant claims small entity status. See 37 CFR 1.27 | | Art Unit Attorney Docket No. | | | 1645 630634-0044-CPAI | | |
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| Name The Commissioner is authorized to: (check all that apply) | 1053 | | 1053 1812 | | Non-English specification For filing a request for ex parte reexamination | | |
| Charge fee(s) indicated below Credit any overpayments | 1812 | 2,520 920° | 1804 | | Requesting publication of SIR prior to | | |
| Charge any additional fee(s) during the pendency of this application | | . 320 | | _ | Examiner action | · | |
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| to the above-identified deposit account. | | 110 | 2251 | 55 | Extension for reply within first month | 1 | |
| FEE CALCULATION | 1252 | | 2252 | 200 | Extension for reply within second month | 460.00 | |
| 1. BASIC FILING FEE | 1253 | 920 | 2253 | 460 | Extension for reply within third month | 700.00 | |
| Large Entity Small Entity Fee Fee Fee Fee Paid Fee Paid | 125 | 1,440 | 2254 | 720 | Extension for reply within fourth month | | |
| Code (\$) Code (\$) | 125 | 5 1,960 | 2255 | 980 | Extension for reply within fifth month | | |
| 1001 740 2001 370 Utility filing fee | 140 | 1 320 | 2401 | 160 | Notice of Appeal | | |
| 1002 330 2002 165 Design filing fee | 140 | 2 320 | 2402 | 160 | Filing a brief in support of an appeal | | |
| 1004 740 2004 370 Reissue filing fee | 140 | 3 280 | 2403 | 140 | Request for oral hearing | | |
| 1005 160 2005 80 Provisional filing fee | 145 | 1 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | | |
| SUBTOTAL (1) (\$) | 145 | 2 110 | 2452 | 55 | Petition to revive - unavoidable | | |
| | | 3 1,280 | 2453 | 640 | Petition to revive - unintentional | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | 1 1,280 | 1 | | Utility issue fee (or reissue) | | |
| Extra Claims below Fee Paid | 11 | | 2502 | | Design issue fee | | |
| Total Claims 20** = X = Independent X | 150 | | 2503 1460 | | Plant issue fee Petitions to the Commissioner | | |
| Claims Multiple Dependent | 146 | | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | | |
| | 180 | | 1806 | | Submission of Information Disclosure Stmt | | |
| Large Entity Small Entity Fee Fee Fee Fee Fee Code (\$) Code (\$) | 802 | 16 180 11 40 | 8021 | | Recording each patent assignment per property (times number of properties) | | |
| 1202 18 2202 9 Claims in excess of 20 | 180 | 9 740 | 2809 | 370 | Filing a submission after final rejection (37 CFR 1.129(a)) | | |
| 1203 280 2203 140 Multiple dependent claim, if not paid | 181 | 0 740 | 2810 | | examined (37 CFR 1.129(b)) | | |
| 1204 84 2204 42 ** Reissue independent daims over original patent | 18 | 01 74 | 0 2801 | 370 | Request for Continued Examination (RCE) | | |
| 1205 18 2205 9 "Reissue claims in excess of 20 | 18 | 02 900 | 1802 | 900 | Request for expedited examination of a design application | · | |

Tor number previously paid, if greater, For Reissues, see above (Complete (il applicable) SUBMITTED BY Registration No. Telephone 858. 720. 2500 Name (Print/Type) (Attorney/Agent) 12/5/2002

Other fee (specify) _

*Reduced by Basic Filing Fee Paid

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SUBTOTAL (3)

and over original patent

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